

## [Sexual Harassment Laws](#)

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# Sexual Harassment Laws

One of the hard-won achievements of the feminist movement of the 1970's was the passage of laws against sexual harassment in the workplace. These laws are tough and provide considerable legal clout for a working woman faced with unwelcome or unfair treatment by men, particularly supervisors.

In 1980 the U.S. Equal Employment Opportunity Commission (EEOC) issued guidelines for implementing these laws. The crucial breakthrough was their definition of sexual harassment as, "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, 2) submission to or rejection of such conduct by an individual is used as a basis for employment decision affecting such individual or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

The courts define two basic types of sexual harassment: "Quid pro quo harassment" involves sexual harassment directly linked to a tangible job benefit, e.g. working hours, advancement, choice of tasks, etc. That's the clearest and easiest type to prove.

The second type is harassment which creates a "hostile working environment," one that diminishes one's ability to perform on the job. This is more common and includes both obvious maltreatment and series of borderline incidents. The courts have recognized this subtlety and held that it is not necessary for a plaintiff in a "hostile environment" to prove the loss or denial of a tangible job benefit. Instead, the plaintiff need only prove that inappropriate behavior was "unwelcome" and/or "sufficiently pervasive to alter conditions of employment and create an abusive working environment."

Five basic guidelines for companies have been derived from court judgment in sexual harassment cases. They are: 1. Every company should institute and publicize to its employees a specific, written policy against sexual harassment. 2. The policy must include a specific complaint mechanism which does NOT require the victim to complain to her immediate supervisor. 3. Even though an employer has developed an adequate policy statement on sexual harassment, he may still be held liable if supervisory employees fail to follow the policy; therefore, continuing education and monitoring of the workplace is mandatory. 4. Prompt and thorough investigation of all complaints about sexual harassment is advisable. 5. Prompt remedial action reasonably calculated to end the harassment should be taken if a charge of sexual harassment is found to be valid.

This list summarizes what every women should expect - and can demand - as a condition of her employment.

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